

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Mukherjee) Art Unit: 2172
Serial No.: 09/390,154) Examiner: Ly
Filed: September 8, 1999) AM9-99-0080
For: SYSTEM AND METHOD FOR WEB OR FILE) April 17, 2002
SYSTEM ASSET MANAGEMENT) 750 B STREET, Suite 3120
San Diego, CA 92101

APPEAL BRIEF

Commissioner of Patents and Trademarks
Washington, DC 20231

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Dear Sir:

This appeal brief is submitted under 35 U.S.C. §134. This appeal is further to Appellant's Notice of Appeal filed herewith.

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(1) Real Party in Interest

The real party in interest is IBM Corp.

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(2) Related Appeals/Interferences

No other appeals or interferences exist which relate to the present application or appeal.

(3) Status of Claims

Claims 1-8 and 10-20 are pending, and all have been twice rejected.

(4) Status of Amendments

An amendment correcting a minor error in dependent Claim 11 is submitted herewith.

(5) Summary of Invention

As set forth in Claim 1, the invention crawls Web servers to identify assets and hyperlinks, and stores data representative of the assets and hyperlinks in a database. Using the database, the invention ensures that when a user browser selects a hyperlink represented in the database, the user is not presented with a "file not found" message.

In contrast, Claim 7 recites a system for managing assets in a data repository such as a Web server or a file system. The system is programmed to identify the assets and reference pointers (e.g., hyperlinks) in the assets. The system also determines that a reference pointer is a broken reference pointer when it refers to an asset that is not present in the data repository, such that a system manager can address the broken reference pointers. To manage assets, the system links the assets to a database containing metadata that represents the assets and reference pointers, such that backups of the database automatically cause the associated assets to be backed up.

(6) Issues

(a) Whether Claims 1-6 and 12-20 are unpatentable under 35 U.S.C. §103 as being obvious over Astiz et al. in view of Monier.

(b) Whether Claims 7, 8, 10, and 11 are unpatentable under 35 U.S.C. §103 as being obvious over Astiz et al. in view of Monier.

(7) Grouping of Claims

Claims 1-6 and 12-20, all of which recite preventing a "file not found" message, are grouped together, while Claim 7 and its dependent claims are in a separate group. Claim 7 does not require preventing a "file not found" message and instead requires something not found in the other independent claims, namely, linking assets (such as Web pages) to a database containing metadata representative of the assets and reference pointers (such as hyperlinks), such that backups of the database automatically cause the associated assets to be backed up on the file system or Web servers.

(8a) Argument

The issues are well-defined and the examiner's error is easy to see, so this appeal brief will be short. Claims 1-6 and 12-20 are indeed patentable over the relied-upon references, which simply do not teach what the examiner alleges they do. Independent Claims 1, 12, and 15 all require managing links in a way that ensures that a "file not found" message is not presented to the user if he clicks on a broken link. Astiz et al. does no such thing.

Instead, Astiz et al. simply sets a flag at block 82 (in Figure 10, the map generation flow chart) to indicate that a link is broken. No further action regarding the flag is taken, nor is there any subsequent discussion or suggestion in Astiz et al. about how this flag might or might not be used. In fact, if a user follows the flow chart in Figure 11 for using the map, there is absolutely nothing that would prevent the user from clicking on a broken hyperlink at block 114 and consequently being presented with a "file not found" message. Following the instructions of Astiz et al., that is exactly what would occur. The broken link flag is not even represented by one of the icons shown in Figure 7!

Accordingly, whatever mysterious uses the flag might be put to, the examiner's allegation that col. 11, lines 58-67 and col. 12, lines 1-14 of Astiz et al. (discussing setting the flag at block 82) teaches "ensuring that...the user is not presented with a file not found message" is a flight of fancy. Flights of fancy to date not having not been recognized as acceptable bases for properly established prima facie cases of obviousness, the present rejection fails.

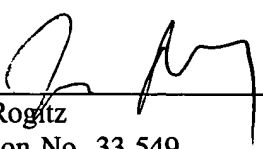
(8b) Argument

The rejection of Claim 7 bears scrutiny, because it represents a coy but ultimately misguided attempt to so broadly read Astiz et al. that it renders Claim 7 obvious. Specifically, the examiner alleges that Astiz et al. teaches "*linking* the assets to a database containing *metadata* representative of the assets and reference pointers, such that *backups* of the database *automatically* cause the associated assets to be backed up on the file system or Web servers", (emphasis mine) citing several passages of Astiz et al.

None of the above-bolded words - the heart of the examiner's allegation and elements in Claim 7 - appear anywhere in Astiz et al. Indeed, Astiz et al. nowhere considers a database including hyperlink metadata that can be used to manage data backup.

The game being played here is the examiner's equating HTML with metadata and web pages with assets. It is true that web pages can be assets, but it is not true, even accepting the examiner's gambit, that the rest of Claim 7 thereby falls into place in the rejection. More particularly, it appears from the sections of Astiz et al. relied on for support of the rejection is that the examiner considers the downloading of Web pages onto a local system to satisfy Claim 7, but it does not. To the extent that any "linking" exists in Astiz et al. between assets and the database, Astiz et al. does nothing to teach or suggest using that linkage such that backups of the database automatically cause the associated assets to be backed up on the file system or Web servers. That is, backing up Astiz et al.'s local database in no way causes the Web servers from which pages are being downloaded to be backed up, too. A suggestion in this regard simply does not exist, except in the present specification.

Respectfully submitted,



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APPENDIX A - APPEALED CLAIMS

1. A computer-implemented method for managing assets on plural Web servers, comprising the acts of:
crawling the Web servers to identify assets and hyperlinks therein;
storing data representative of the assets and hyperlinks in a database; and
using the database, ensuring that when a user browser selects a hyperlink represented in the database, the user is not presented with a "file not found" message.
2. The method of Claim 1, further comprising the acts of:
determining that any hyperlink is a broken hyperlink when the hyperlink points to an asset not represented in the database;
undertaking action to address broken hyperlinks, the integrity of the hyperlinks being preserved once the hyperlinks are addressed.
3. The method of Claim 2, wherein the undertaking act includes modifying an asset on the Web server or adding an asset to the Web server such that when a user browser selects a hyperlink in an asset on one of the Web servers, the user is not presented with a "file not found" message.
4. The method of Claim 1, wherein the using act further includes:
linking the data representative of the assets and hyperlinks resident in the database to the corresponding assets on the Web servers.
5. The method of Claim 4, further comprising the acts of:
determining that a user is attempting to create a new asset on one of the Web servers;
receiving the new asset;
copying the new asset to a Web server;
crawling the new asset to identify assets and hyperlinks therein; and
storing data representative of the assets and hyperlinks in the database.
6. The method of Claim 4, further comprising the acts of:
determining that a user is attempting to modify an existing asset in one of the Web servers;
unlinking the existing asset from the database;
allowing the user to update the existing asset to render a modified asset, a copy of the existing asset being retained;
crawling the modified asset to identify assets and hyperlinks therein;
storing data representative of the assets and hyperlinks of the modified asset in the database;
and
relinking the modified asset and existing asset with the database.
7. A computer system for managing assets in a data repository such as at least one Web server or at least one file system, comprising:

computer readable code means for identifying the assets and for identifying reference pointers in the assets to other assets in the data repository;

computer readable code means for determining that a reference pointer is a broken reference pointer when the reference pointer refers to an asset not present in the data repository, such that a system manager can address the broken reference pointers, wherein the data repository includes at least one file system or at least two Web servers, and the system further comprises:

computer readable code means for linking the assets to a database containing metadata representative of the assets and reference pointers, such that backups of the database automatically cause the associated assets to be backed up on the file system or Web servers.

8. The system of Claim 7, wherein broken reference pointers are addressed using computer readable code means such that subsequent computer-based selections of the reference pointers are not possible or, if possible, do not result in "file not found" messages.

10. The system of Claim 7, further comprising:

computer readable code means for determining that a user is attempting to create a new asset on one of the Web servers;

computer readable code means for receiving the new asset;

computer readable code means for copying the new asset to a Web server;

computer readable code means for crawling the new asset to identify assets and hyperlinks therein; and

computer readable code means for storing data representative of the assets and hyperlinks in the database.

11. The system of Claim 10, further comprising:

computer readable code means for determining that a user is attempting to modify an existing asset in one of the Web servers;

computer readable code means for unlinking the asset from the database;

computer readable code means for allowing the user to update the asset to render a modified asset;

computer readable code means for crawling the modified asset to identify assets and hyperlinks therein;

computer readable code means for storing data representative of the assets and hyperlinks of the modified asset in the database; and

computer readable code means for relinking the database with the modified asset.

12. A computer program product including at least one program of instructions readable by a Web server to undertake method acts comprising:

crawling the Web server to identify assets and hyperlinks therein;

sending metadata representative of the assets and hyperlinks to a database, whereby when a user browser selects a hyperlink represented in the database, the user is never presented with a "file not found" message.

13. The computer program product of Claim 12, wherein the method acts further comprise:
 - determining that a user is attempting to create a new asset the Web server;
 - receiving the new asset;
 - copying the new asset to a Web server;
 - crawling the new asset to identify assets and hyperlinks therein; and
 - storing metadata representative of the assets and hyperlinks in the database.
14. The computer program product of Claim 13, wherein the method acts further comprise:
 - determining that a user is attempting to modify an existing asset in the Web server, such that the asset can be unlinked from the database in response;
 - allowing the user to update the asset to render a modified asset;
 - crawling the modified asset to identify assets and hyperlinks therein;
 - sending metadata representative of the assets and hyperlinks of the modified asset in the database, such that the database can be relinked with the modified asset.
15. A computer program product including a program of instructions to undertake method acts comprising:
 - receiving, in a database, data representative of assets and hyperlinks from plural Web servers;
 - maintaining the database such that when a user browser selects a hyperlink represented in the database, the user is never presented with a "file not found" message.
16. The computer program product of Claim 15, wherein the method acts further comprise:
 - determining whether any hyperlink is a broken hyperlink when the hyperlink points to an asset not represented in the database; and
 - facilitating action to address broken hyperlinks.
17. The computer program product of Claim 15, wherein the method acts further include:
 - linking the data representative of the assets and hyperlinks resident in the database to the corresponding assets on the Web servers.
18. The method of Claim 1, wherein the database is remote from the Web servers.
19. The method of Claim 1, further comprising automatically backing up the assets and hyperlinks when the database is backed up.
20. The method of Claim 19, further comprising automatically recovering backed up assets and hyperlinks to their respective Web servers when the database is recovered.

**ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231**

**Docket No. AM9-99-0080
(PATENT)**

SIR:

Transmitted herewith for filing in the Application of: MUKHERJEE Serial No.: 09/390,154

Title: **SYSTEM AND METHOD FOR WEB OR FILE SYSTEM ASSET MANAGEMENT**

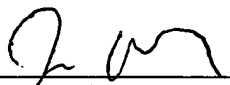
are the following:

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| <input type="checkbox"/> sheets of formal drawings | <input type="checkbox"/> Basic Filing Fee(\$740) |
| <input checked="" type="checkbox"/> 3 Amendment | <input type="checkbox"/> Information Disclosure Statement |
| <input type="checkbox"/> Amendment after Final Rejection | <input type="checkbox"/> Declaration and Power of Attorney |
| <input type="checkbox"/> Response to Restriction Requirement | <input type="checkbox"/> Assignment of the Invention(\$40) |
| <input type="checkbox"/> Letter to Drawing Review Branch | <input type="checkbox"/> Recordation Form Cover Sheet |
| <input type="checkbox"/> Certificate of Correction | <input type="checkbox"/> Notice to File Missing Parts(\$130) |
| <input checked="" type="checkbox"/> Acknowledgment postcard | <input type="checkbox"/> Petition for Extension of Time(\$110) |
| | <input type="checkbox"/> Issue Fee(\$1,280) |
| | <input checked="" type="checkbox"/> Notice of Appeal(\$320) |
| | <input checked="" type="checkbox"/> Appeal Brief in triplicate (\$320) |

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The Commissioner is hereby authorized to charge payment for any additional filing fees required under 37 CFR 1.16 or or any patent application processing fees under 37 CFR 1.17 in association with this communication or credit any overpayment to Deposit 09-0441.

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